

Effective 5/12/2015

Part 1 General Provisions

10-2a-101 Title.

- (1) This chapter is known as "Municipal Incorporation."
- (2) This part is known as "General Provisions."

Enacted by Chapter 352, 2015 General Session

10-2a-102 Definitions.

- (1) As used in this part:
 - (a) "Feasibility consultant" means a person or firm:
 - (i) with expertise in the processes and economics of local government; and
 - (ii) who is independent of and not affiliated with a county or sponsor of a petition to incorporate.
 - (b) "Private," with respect to real property, means taxable property.
- (2) For purposes of this part:
 - (a) the owner of real property shall be the record title owner according to the records of the county recorder on the date of the filing of the request or petition; and
 - (b) the value of private real property shall be determined according to the last assessment roll for county taxes before the filing of the request or petition.
- (3) For purposes of each provision of this part that requires the owners of private real property covering a percentage or fraction of the total private land area within an area to sign a request or petition:
 - (a) a parcel of real property may not be included in the calculation of the required percentage or fraction unless the request or petition is signed by:
 - (i) except as provided in Subsection (3)(a)(ii), owners representing a majority ownership interest in that parcel; or
 - (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number of owners of that parcel;
 - (b) the signature of a person signing a request or petition in a representative capacity on behalf of an owner is invalid unless:
 - (i) the person's representative capacity and the name of the owner the person represents are indicated on the request or petition with the person's signature; and
 - (ii) the person provides documentation accompanying the request or petition that substantiates the person's representative capacity; and
 - (c) subject to Subsection (3)(b), a duly appointed personal representative may sign a request or petition on behalf of a deceased owner.

Renumbered and Amended by Chapter 352, 2015 General Session

10-2a-103 Incorporation of a contiguous area.

A contiguous area of a county not within a municipality may incorporate as a municipality as provided in this chapter.

Amended by Chapter 111, 2015 General Session

Amended by Chapter 157, 2015 General Session

Renumbered and Amended by Chapter 352, 2015 General Session

10-2a-104 Elections governed by the Election Code.

Except as otherwise provided in this chapter, each election under this chapter shall be governed by the provisions of Title 20A, Election Code.

Renumbered and Amended by Chapter 352, 2015 General Session

10-2a-106 Feasibility study or petition to incorporate filed before May 12, 2015.

- (1) If a request for a feasibility study to incorporate a city is filed under Section 10-2a-202 before May 12, 2015, the request and a subsequent feasibility study, petition, public hearing, election, and any other city incorporation action applicable to that request shall be filed with and be acted upon, held, processed, or paid for by the county legislative body or county clerk, as applicable, as designated, directed, or authorized before Laws of Utah 2015, Chapter 157, takes effect.
- (2) If a petition to incorporate a town is filed under Section 10-2a-302 before May 12, 2015, the petition and a subsequent feasibility study, petition, public hearing, election, and any other town incorporation action applicable to that petition to incorporate shall be filed with and be acted upon, held, processed, or paid for by the county legislative body or county clerk, as applicable, as designated, directed, or authorized before Laws of Utah 2015, Chapter 157, takes effect.

Enacted by Chapter 157, 2015 General Session

Revisor instructions Chapter 157, 2015 General Session

Amended by Chapter 352, 2015 General Session, (Coordination Clause)